

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

TOREY BRETT LOGAN,

Plaintiff,

vs.

No. CIV 18-0098 JB/CG

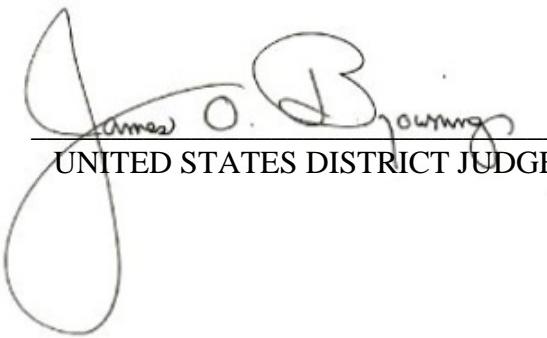
JORY BASCOM,

Defendant.

MEMORANDUM OPINION AND ORDER OF DISMISSAL WITHOUT PREJUDICE

THIS MATTER comes before the Court on the Honorable Carmen Garza, Chief United States Magistrate Judge for the District of New Mexico's Order to Cure Deficiency, filed February 2, 2018 (Doc. 2)(“Order”). In the Order, the Chief Judge Garza ordered Plaintiff Torey Brett Logan either to pay the \$400.00 fee for this civil action or to file an Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form). See Order at 1. Chief Magistrate Judge Garza warned Logan that failure to comply with her Order “may result in dismissal of this case without prejudice.” Order at 1. Logan’s response was due on or before March 5, 2018, but as of that date, and, even as of today, Logan had not filed a response. Because Logan has not complied with Chief Magistrate Judge Garza’s Order, the Court will dismiss his Prisoner’s Civil Rights Complaint, filed January 29, 2018 (Doc. 1), without prejudice pursuant to rule 41(b) of the Federal Rules of Civil Procedure. See Olsen v. Mapes, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003)(noting that rule 41(b) permits “courts to dismiss actions sua sponte for a plaintiff’s failure to prosecute or comply with the rules of civil procedure or court’s orders” (internal citation omitted)).

IT IS ORDERED that: (i) the Plaintiff's Prisoner's Civil Rights Complaint, filed January 29, 2018 (Doc. 1), is dismissed without prejudice; and (ii) Final Judgment will be entered.



UNITED STATES DISTRICT JUDGE

Parties:

Torey Brett Logan
Silver City, New Mexico¹

Plaintiff pro se

¹The Prisoner's Civil Rights Complaint, filed January 29, 2018 (Doc. 1)(“Complaint”) lists Logan’s mailing address as Silver City, New Mexico, see Complaint at 1, but he filed the Complaint while incarcerated at the Carroll County Detention Center in Berryville, Arizona, see Complaint at 6. On several occasions, documents that the Clerk of the Court mailed to Logan’s Berryville address were returned as undeliverable. See, e.g., Mail Returned as Undeliverable, filed February 13, 2018 (Doc. 3). Documents have also been sent to Logan’s Silver City address, and those documents were not returned as undeliverable, so the Court infers that Logan’s Silver City address -- and not his Berryville address -- is accurate.